HAWAII STATE HOUSE OF REPRESENTATIVES

REGULAR SESSION OF 2009

ROUGH DRAFT JOURNAL

SEVENTH DAY

FEBRUARY 2, 2009

OFFICE OF THE CHIEF CLERK

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SEVENTH DAY

Monday, February 2, 2009

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2009, convened at 12:07 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend James Reed of Friendship Bible Church, after which the Roll was called showing all members present.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Sixth Day was deferred.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. Nos. 230) was received and announced by the Clerk:

Gov. Msg. No. 230, dated January 27, 2009, requesting immediate passage of H.B. No. 1064 authorizing an emergency appropriation of $60,000,000 out of the Emergency and Budget Reserve Fund for the health care payments program of the Department of Human Services.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R. Nos.	Referred to:
8	Jointly to the Committee on Human Services and the Committee on Health
9	Committee on Human Services
10	Committee on Education
11	Jointly to the Committee on Public Safety and the Committee on Agriculture, then to the Committee on Finance
12	Jointly to the Committee on Public Safety and the Committee on Agriculture, then to the Committee on Finance
13	Committee on Public Safety, then to the Committee on Finance
14	Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Public Safety, then to the Committee on Finance
15	Committee on Public Safety, then to the Committee on Consumer Protection & Commerce
16	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
17	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Higher Education, then to the Committee on Finance
18	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Housing
19	Committee on Health, then to the Committee on Finance
20	Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
21	Committee on Economic Revitalization, Business, & Military Affairs
22	Committee on Labor & Public Employment, then to the Committee on Finance
23	Committee on Education, then to the Committee on Legislative Management, then to the Committee on Finance
24	Committee on Tourism, Culture, & International Affairs, then to the Committee on Water, Land, & Ocean Resources
25	Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
26	Committee on Economic Revitalization, Business, & Military Affairs
27	Jointly to the Committee on Hawaiian Affairs and the Committee on Human Services, then to the Committee on Judiciary
28	Committee on Energy & Environmental Protection, then to the Committee on Finance
29	Committee on Human Services
30	Committee on Finance
31	Committee on Human Services, then to the Committee on Judiciary
32	Committee on Human Services
33	Committee on Human Services
34	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Health
35	Committee on Human Services
36	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
37	Committee on Human Services

H.C.R. Nos.	Referred to:
4	Jointly to the Committee on Human Services and the Committee on Health
5	Committee on Human Services
6	Committee on Education
7	Jointly to the Committee on Public Safety and the Committee on Agriculture, then to the Committee on Finance
8	Jointly to the Committee on Public Safety and the Committee on Agriculture, then to the Committee on Finance
9	Committee on Public Safety, then to the Committee on Finance

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10	Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Public Safety, then to the Committee on Finance
11	Committee on Public Safety, then to the Committee on Consumer Protection & Commerce
12	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
13	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Higher Education, then to the Committee on Finance
14	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Housing
15	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Labor & Public Employment
16	Committee on Human Services, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
17	Committee on Health, then to the Committee on Finance
18	Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
19	Committee on Economic Revitalization, Business, & Military Affairs
20	Committee on Labor & Public Employment, then to the Committee on Finance
21	Committee on Education, then to the Committee on Legislative Management, then to the Committee on Finance
22	Committee on Tourism, Culture, & International Affairs, then to the Committee on Water, Land, & Ocean Resources
23	Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
24	Committee on Economic Revitalization, Business, & Military Affairs
25	Jointly to the Committee on Hawaiian Affairs and the Committee on Human Services, then to the Committee on Judiciary
26	Committee on Energy & Environmental Protection, then to the Committee on Finance
27	Committee on Public Safety, then to the Committee on Hawaiian Affairs
28	Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
29	Committee on Hawaiian Affairs, then to the Committee on Judiciary
30	Committee on Education, then to the Committee on Housing, then to the Committee on Finance
31	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
32	Committee on Human Services
33	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
34	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
35	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
36	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Legislative Management, then to the Committee on Finance
37	Committee on Human Services, then to the Committee on Judiciary
38	Committee on Human Services
39	Committee on Human Services
40	Jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Legislative Management
41	Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
42	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Health
43	Committee on Health, then to the Committee on Consumer Protection & Commerce
44	Committee on Human Services
45	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
46	Committee on Human Services
47	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
48	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
49	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Water, Land, & Ocean Resources

COMMITTEE REASSIGNMENTS

The following bills were re-referred to committee by the Speaker:

H.B. Nos.	Re-referred to:
26	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance
59	Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance
86	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance
148	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

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152 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

155 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

159 Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

186 Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance

206 Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

218 Jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce

231 Committee on Public Safety, then to the Committee on Legislative Management, then to the Committee on Finance

251 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance

268 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance

269 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance

286 Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

312 Jointly to the Committee on Public Safety and the Committee on Health, then to the Committee on Finance

316 Jointly to the Committee on Public Safety and the Committee on Agriculture, then to the Committee on Finance

317 Jointly to the Committee on Health and the Committee on Public Safety, then to the Committee on Finance

359 Committee on Housing, then to the Committee on Judiciary, then to the Committee on Finance

364 Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance

389 Committee on Energy & Environmental Protection, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

423 Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance

495 Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance

523 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

533 Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance

541 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

545 Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance

583 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance

602 Committee on Labor & Public Employment, then to the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

630 Committee on Judiciary, then to the Committee on Finance

642 Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance

655 Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

761 Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

811 Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

866 Committee on Transportation

873 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

880 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

902 Committee on Hawaiian Affairs, then jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Judiciary, then to the Committee on Finance

915 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance

932 Committee on Transportation, then to the Committee on Finance

973 Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance

1276 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

1377 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

1409 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

UNFINISHED BUSINESS

The following resolution (H.R. No. 39) was announced by the Clerk and the following action taken:

H.R. No. 39, entitled: "HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-FIFTH LEGISLATURE OF THE STATE OF HAWAII TO CORRECT TECHNICAL ERRORS," was jointly offered by Representatives B. Oshiro and Finnegan.

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Representative B. Oshiro moved for the adoption of H.R. No. 39, seconded by Representative Finnegan.

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of the measure. Mr. Speaker, I rise with a bit of history in my support for this measure, in that I appreciate you, Mr. Speaker, and the leadership that every year entertains the possible changes that the Minority would suggest. This year, five changes were suggested and though they weren't successful, well maybe there was a half of one, there's one more that I wanted to bring forward that some of us are a little bit sensitive to and would like to remind the Members about, and that was one of the real changes was to use the Mason's Rules *vis-a-vis* the call for recess.

"In Mason's Rules, section 216, Rules Governing Motions for Recess. The motion to recess cannot be made while another has the floor or during the voting. or the verification of the vote. Unfortunately, the Rules of the House is silent on this. When some Members were speaking and someone called for a recess, they said, 'Well yeah, it's against Mason's Rules but, it's a tradition here.' So I would only say, Members, let's be respectful of each of us as we speak, and if you don't like what somebody's saying, stand up and refute it, rather than stand up and recess it because that, according to the rules, is not 'kosher'. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.R. No. 39 was adopted with Representative M. Oshiro being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 41) and concurrent resolution (H.C.R No. 50) were referred to Printing and further action was deferred:

H.R. No. 41, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF THE GOVERNOR, THE SENATE, AND THE HOUSE OF REPRESENTATIVES TO STUDY ISSUES RELATING TO THE CONTINUATION OF STATE GOVERNMENT DURING AN EMERGENCY," was jointly offered by Representatives Evans, Hanohano and Aquino.

H.C.R. No. 50, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF THE GOVERNOR, THE SENATE, AND THE HOUSE OF REPRESENTATIVES TO STUDY ISSUES RELATING TO THE CONTINUATION OF STATE GOVERNMENT DURING AN EMERGENCY," was jointly offered by Representatives Evans, Hanohano and Aquino.

ANNOUNCEMENTS

Representative Har: "Thank you, Mr. Speaker. As this body knows, last year my father passed away at the age of 70. Yesterday was a very difficult day for me and my family because yesterday would have been my father's 71st birthday. But, the flipside is, it was also a very joyous day and I'd like to ask the Members in joining me to wish our Speaker of the House of Representatives, Calvin Say, a very happy birthday."

Speaker Say: "Thank you, very much. I believe there was also another birthday boy on Saturday, and that young man is Representative Manahan. Representative Manahan, please stand to be recognized.

"And if you saw the article yesterday in the *Advertiser's* Hot Seat, 'Palolobоy56'. I'm 57 now."

At 12:16 o'clock p.m., Representative Chong requested a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:17 o'clock p.m.

Representative Carroll, for the Committee on Hawaiian Affairs, requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing HB No. 902, relating to the ceded land issue on Wednesday, February 4 at 9:00 a.m. in Room 329.

Representative Chong: "Thank you, Mr. Speaker. I would also like to recognize someone on this Floor who had a birthday a couple weeks ago, and that is our illustrious Majority Leader, from the Aiea area, Representative Blake Oshiro."

ADJOURNMENT

At 12:18 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, February 3, 2009.

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